

Message Text

LIMITED OFFICIAL USE

PAGE 01 PORT A 00240 302020Z

62

ACTION ARA-10

INFO OCT-01 ISO-00 EB-07 OC-05 CCO-00 CIAE-00 OTPE-00

FCC-01 INR-07 NSAE-00 RSC-01 COME-00 BIB-01 L-02 /035 W

----- 099701

R 301959Z JAN 75

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 9194

LIMITED OFFICIAL USE PORT AU PRINCE 240

E. O. 11652: N/A

TAGS: EINV, ETEL, PINT, HA

SUBJECT: TELE-HAITI

REF: STATE 020024

1. RAYMOND GUILLAUME, EMBASSY LEGAL ASSISTANT, AGREES WITH GOH CLAIM THAT "EXCLUSIVE PRIVILEGES" GRANTED TO TELE-HAITI DO NOT CONSTITUTE PROPERTY RIGHTS AND THAT DISPUTE ON THIS SUBJECT DOESN'T FALL UNDER ARBITRATION CLAUSE OF CONTRACT. HIS REASONING IS SIMILAR TO JEANTY'S EXPLANATION.

2. UNDER HAITIAN LAW "EXCLUSIVE RIGHT" IS ASSIMILATED TO A MONOPOLY. ARTICLE 67 OF AMENDED 1964 CONSTITUTION PROVIDES THAT STATE OR COMMUNES ARE ONLY ENTITIES ENTITLED TO EXERCISE MONOPOLY AND ALSO ESTABLISHES CONDITIONS UNDER WHICH OTHER ORGANIZATIONS MAY OPERATE A MONOPOLY. SINCE A CONSTITUTIONAL PROVISION IS CONSIDERED AS A "PUBLIC ORDER MATTER" GOH CAN WITHDRAW MONOPOLY OR EXCLUSIVE RIGHTS AT ANY TIME. GUILLAUME CONSIDERS COMPENSATION IS OUT OF THE QUESTION SINCE GOH HAS ONLY WITHDRAWN "EXCLUSIVE RIGHTS" AND TELE-HAITI IS STILL AUTHORIZED TO DO BUSINESS IN HAITI.

3. OPINION OF LEGAL ASSISTANT IS THAT THE DISAGREEMENT ON "EXCLUSIVE RIGHTS" IS THEORETICAL QUESTION AND THUS NOT A "DIFFICULTY" AS TO "INTERPRETATION" OR "EXECUTION" OF ONE OF CLAUSES IN CONTRACT. IT WOULD NOT, THEREFORE, COME UNDER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PORT A 00240 302020Z

ARBITRATION CLAUSE.

4. AMBASSADOR WILL SEE FOREIGN SECRETARY BRUTUS EARLY FRIDAY
AFTERNOON TO EXPLORE POSSIBILITIES FOR WAY OUT OF IMPASSE.
WE WILL REPORT OUTCOME IN TIME FOR THURSDAY MEETING WITH TELE-
HAITI'S ATTORNEY.
ISHAM

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL LAW, MEETINGS, MONOPOLIES, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PORTA00240
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750035-0618
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975016/aaaaafic.tel
Line Count: 67
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 020024
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2003 by ellisoob>; APPROVED <10 SEP 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TELE-HAITI
TAGS: EINV, ETEL, PINT, HA, US, TELE-HAITI, (BRUTUS)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006